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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 BANK OF AMERICA, N.A.,

13 Plaintiff,

14 vs.

15 ELKHORN COMMUNITY ASSOCIATION;
16 SFR INVESTMENTS POOL 1, LLC;
17 ABSOLUTE COLLECTION SERVICES,
18 LLC,

19 Defendants.

20 SFR INVESTMENTS POOL 1, LLC,

21 Counter/Cross Claimant,

22 vs.

23 BANK OF AMERICA, N.A.; and DEBORAH
24 S. LIENING, an individual,

25 Counter/Cross Defendants.

Case No. 2:16-cv-00524-RFB-NJK

**NOTICE OF SETTLEMENT AND
STIPULATION AND ORDER TO
CONTINUE STAY OF LITIGATION**

26 PLEASE TAKE NOTICE that Bank of America, N.A. (“BANA”) and SFR Investments
27 Pool 1, LLC (“SFR”) (collectively the “Parties”) have reached a global settlement in principal on
28 multiple properties, including the Property at issue in this case. The settlement will resolve all
claims between BANA and SFR.

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1 Based on the confidential settlement agreement, the Parties have agreed to stay the
2 litigation for ninety (90) days to allow for the Parties to perform a condition precedent and to
3 finalize the settlement. Accordingly, the Parties are submitting the instant Stipulation and Order
4 seeking to continue to already existing stay of litigation in this matter.

5 Pursuant to a Minute Order in Chambers issued on October 17, 2019, this case was
6 administratively stayed pending the result of the Nevada Supreme Court's order of en banc
7 reconsideration in the case *Bank of America, N.A. v. Thomas Jessup, LLC Series VII*. [ECF No.
8 63.] The Minute Order set a deadline of 30 days after the stay was lifted for refiling dispositive
9 motions. [ECF No. 63.] The Nevada Supreme Court issued its Order of en banc reconsideration
10 on May 7, 2020. *Bank of America, N.A. v. Thomas Jessup, LLC Series VII*, 462 P.3d 255 (Nev.
11 2020) (unpublished disposition), thereby resolving that issue. While the issuance of the Order did
12 not automatically lift the stay in this case, in an abundance of caution, the Parties hereby stipulate
13 to vacate the dispositive motion deadline set by the Court's October 7, 2019, Order, and stipulate
14 to continue the stay of litigation for ninety (90) days to allow for the parties to finalize settlement.
15 The Parties agree that any party may move to lift the stay before the expiration of the ninety days
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1 if they determine the circumstances justify doing so.

2 The Parties further request the court set a status report deadline regarding the settlement
 3 for ninety (90) from the issuance of this Stipulation and Order. This request to stay is being made
 4 in the interest of preserving judicial resources and, as set forth above, on the basis of a material
 5 term of the Settlement Agreement.

6 DATED this 4th day of June, 2020.

7 **AKERMAN LLP**

8 /s/ Scott R. Lachman

9 ARIEL E. STERN, ESQ.

10 Nevada Bar No. 8276

11 SCOTT R. LACHMAN, ESQ.

12 Nevada Bar No. 12016

13 1635 Village Center Circle, Suite 200

14 Las Vegas, NV 89134

15 Attorneys for *Bank of America, N.A.*

16 DATED this 4th day of June, 2020.

17 **KIM GILBERT EBRON**

18 /s/ Jacqueline A. Gilbert

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28 **ORDER**

15 IT IS SO ORDERED.



16
 17 RICHARD F. BOULWARE, II
 18 UNITED STATES DISTRICT JUDGE

19 DATED this 5th day of June, 2020.

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